

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF ARIZONA

Kenyon O. Hamwright, ) No. CV-23-01265-PHX-SPL (DMF)  
Plaintiff, )  
vs. )  
A. Camacho, et al., )  
Defendants. )  
ORDER

15 Plaintiff Kenyon O. Hamwright filed a First Amended Complaint pursuant to 42  
16 U.S.C. § 1983 (Doc. 9). The Honorable Deborah M. Fine, United States Magistrate Judge,  
17 issued a Report and Recommendation (“R&R”) (Doc. 42), recommending the Court  
18 dismiss Defendant Riviera for failure to serve pursuant to Federal Rule of Civil Procedure  
19 4(m).

20 A district judge “may accept, reject, or modify, in whole or in part, the findings or  
21 recommendations made by the magistrate judge.” 28 U.S.C. § 636(b); *see also* Fed. R. Civ.  
22 P. 72(b)(3) (“The district judge may accept, reject, or modify the recommended disposition;  
23 receive further evidence; or return the matter to the magistrate judge with instructions.”).  
24 When a party files a timely objection to an R&R, the district judge reviews *de novo* those  
25 portions of the R&R that have been “properly objected to.” Fed. R. Civ. P. 72(b)(3). A  
26 proper objection requires specific written objections to the findings and recommendations  
27 in the R&R. *See United States v. Reyna-Tapia*, 328 F.3d 1114, 1118–19 (9th Cir. 2003);  
28 28 U.S.C. § 636(b)(1). It follows that the Court need not conduct any review of portions to

1 which no specific objection has been made. *See Reyna-Tapia*, 328 F.3d at 1121; *see also*  
 2 *Thomas v. Arn*, 474 U.S. 140, 149 (1985) (discussing the inherent purpose of limited review  
 3 is judicial economy). Further, a party is not entitled as of right to *de novo* review of  
 4 evidence or arguments which are raised for the first time in an objection to the R&R, and  
 5 the Court's decision to consider them is discretionary. *United States v. Howell*, 231 F.3d  
 6 615, 621–622 (9th Cir. 2000).

7 On November 15, 2024, the Court ordered Plaintiff to show cause why Defendant  
 8 Riviera should not be dismissed for failure to complete service, failure to prosecute, and  
 9 failure to comply with Court orders (Doc. 39). Plaintiff has not responded or otherwise  
 10 taken any action. In the R&R, the Magistrate Judge recommends Defendant Riviera be  
 11 dismissed pursuant to Rule 4(m) of the Federal Rules of Civil Procedure, reasoning that  
 12 Plaintiff has not shown excusable neglect, and there is not good cause for an extension of  
 13 time to effectuate service. (Doc. 42 at 8).

14 The parties did not file objections, which relieves the Court of its obligation to  
 15 review the R&R. *See Reyna-Tapia*, 328 F.3d at 1121; *Thomas v. Arn*, 474 U.S. 140, 149  
 16 (1985) (“[Section 636(b)(1)] does not... require any review at all... of any issue that is not  
 17 the subject of an objection.”); Fed. R. Civ. P. 72(b)(3) (“The district judge must determine  
 18 *de novo* any part of the magistrate judge’s disposition that has been properly objected to.”).  
 19 The Court has nonetheless reviewed the R&R and finds that it is well-taken. The Court will  
 20 thus adopt the R&R in full. *See* 28 U.S.C. § 636(b)(1) (stating that the district court “may  
 21 accept, reject, or modify, in whole or in part, the findings or recommendations made by the  
 22 magistrate”); Fed. R. Civ. P. 72(b)(3) (“The district judge may accept, reject, or modify the  
 23 recommended disposition; receive further evidence; or return the matter to the magistrate  
 24 judge with instructions.”). Accordingly,

25       ///

26       ///

27       ///

28       ///

**IT IS ORDERED** that Magistrate Judge Deborah M. Fine's Report and Recommendation (Doc. 42) is **accepted and adopted** by the Court.

**IT IS FURTHER ORDERED** that Defendant Riviera is **dismissed without prejudice.**

Dated this 27th day of January, 2025.

Stev P. Logan  
Honorable Steven P. Logan  
United States District Judge